

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

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FILE: B-210073

DATE: July 26, 1983

MATTER OF: International Logistics Group, Ltd.

DIGEST:

A sole-source award is justified where the record shows that time is of the essence and only one known source could meet the needs of the agency within the time required.

International Logistics Group, Ltd. (ILG), protests the sole-source award of an Army delivery order to Chrysler Corporation for a quantity of Chrysler transmissions, Chrysler part number (P/N) 4186900 and Chrysler P/N 4205887, to be installed in the "M880-series" motor vehicle which, according to the Army, is a "proprietary design vehicle" manufactured by Chrysler.

We deny the protest.

ILG alleges that the negotiated sole-source purchase of the transmissions is a bad faith circumvention of the protest by ILG of the cancellation of invitation for bids No. DAAE07-81-B-5547, which was also for Chrysler transmissions. Specifically, ILG insists that the Chrysler transmissions procured under the sole-source award improperly constituted a procurement of the same requirement of transmissions which were sought under IFB-5547 and that ILG also was an acceptable source for these transmissions. The cited protest was denied by our Office in International Logistics Group, Ltd., B-205700.2, March 9, 1983, 83-1 CPD 241; we affirmed our decision in International Logistics Group, Ltd.--Reconsideration, B-205700.3, May 20, 1983, 83-1 CPD 540.

The Army has explained the events surrounding the sole-source award to Chrysler, as follows:

"The transmissions involved are manufacturer parts * * * which are of proprietary design to Chrysler Corporation, and are utilized by the Army in the M880 series vehicle * * *."

"Procurement of the transmissions was negotiated under 10 USC 2304(a)(2) for public

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exigency. At the time the procurement was negotiated, the Army was out of stock for both transmission models, and had backorder demands for each. * * *

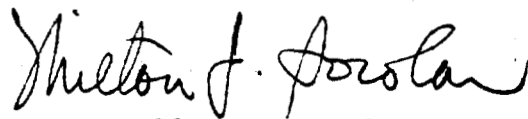
"* * * Due to its critical stock shortage, TACOM had to make immediate award to the manufacturer of the transmissions as the only known source which could fulfill its urgent supply needs."

The Army contends that the only issue is whether the contracting officer had a reasonable basis for making a sole-source award to Chrysler at the time of award and argues that the Army did have a reasonable basis since Chrysler was the only known source of supply for dependable transmissions within the time available.

On the basis of the above record, the Army has established the urgency which prompted the Chrysler award. Moreover, as to ILG's transmissions, we concluded in our above decisions that we could not question the Army's position that ILG's transmissions had not been shown to be the same as (or the virtual equal of) the Chrysler transmissions.

Consequently, we consider it irrelevant as to whether the transmissions procured under the Chrysler contract were, in fact, the transmissions originally sought under IFB-5547. The plain fact remains that ILG was not an acceptable source for the transmissions then needed by the Army. Therefore, ILG was not prejudiced by the sole-source award to Chrysler.

Thus, we deny ILG's protest and the company's claim for bid preparation and related expenses. Trans-Alaska Mechanical Contractors, B-204737, September 29, 1981, 81-2 CPD 268.

for 
Comptroller General
of the United States